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MAR 13 2008

OFFICE OF PETITIONS

In re Application of  
Shinichi Yoshioka  
Application No. 10/798,403  
Filed: March 12, 2004  
Attorney Docket No.: **23086-81505**

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ON PETITION

This is a decision on the petition filed February 20, 2008 to withdraw the holding of abandonment for the above-identified application which is being treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on July 25, 2007, for failure to timely submit a timely response to the non-Final Office Action mailed April 24, 2007, which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed December 20, 2007.

Petitioner asserts that a response was filed on July 23, 2007 and in support, petitioner has submitted, *inter alia*, a copy of the response in the form of an amendment and a post card receipt date stamped July 23, 2007 by the USPTO.

The evidence submitted corroborates a timely response to the non-Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This matter will be referred to Technology Center 2611 for appropriate action on the amendment filed July 23, 2007, a copy of which was submitted upon petition.

Telephone inquiries concerning this matter may be directed to the undersigned  
Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions